

Total No. of printed pages = 7

TR/TSJ/L-II/15

LAW

Paper : II

Full Marks – 100

Time – Three hours

The figures in the margin indicate full marks for the questions.

Answer must be written in English only.

Candidates are required to give their answers in their own words as far as practicable.

GROUP – A

Four options are given against each of the following ten questions. Select the single best/correct option and write it in the answer script by pen only.

Each question carries one mark. $1 \times 10 = 10$

1. (i) Which one of the following is not an essential ingredient of the offence of kidnapping under the Indian Penal Code?
 - (a) Minor child
 - (b) Intention of the accused

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- (c) Without consent of lawful guardian
 - (d) Out of the keeping of the lawful guardian.
- (ii) 'A' puts his hand in the pocket of 'B' for stealing money, but the pocket was empty. 'A' is guilty of :
- (a) theft
 - (b) attempt to commit theft
 - (c) mischief
 - (d) no offence
- (iii) 'A' makes a false entry in his electronic record for the purpose of using it as corroborative evidence in the trial court. 'A' has :
- (a) fabricated false evidence
 - (b) not fabricated false evidence
 - (c) committed forgery
 - (d) none of the above
- (iv) 'A' intentionally fired a shot from his pistol at 'B'. But it hit 'C' and 'C' died. The offence committed by 'A' is
- (a) Attempt to murder
 - (b) Culpable homicide

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- (c) Murder under Section 300, IPC
- (d) Murder under Section 301, IPC
- (v) A conditional order for removal of public nuisance under Section 133 of the Code of Criminal Procedure, 1973 may be passed by :
 - (a) District Magistrate
 - (b) Sub-divisional Magistrate
 - (c) Executive Magistrate specially empowered
 - (d) Any of the above Magistrate

(vi) Which Section of the Code of Criminal Procedure, 1973 authorises a private person to arrest any person committing cognizable offence ?

- (a) Section 44
- (b) Section 42
- (c) Section 43
- (d) Section 45



(vii) Which of the following statements are correct ?

- (1) Investigation is made by a police officer.

(2) The object of police investigation is to collect evidence.

(3) Investigation is a judicial proceeding.

(4) Investigation is not a judicial proceeding.

Select the correct answer using the codes given below :

(a) 1, 2 and 3

(b) 1, 2 and 4

(c) 2, 3 and 4

(d) 1, 3 and 4

(viii) Character of a person for purposes of the law of evidence is not relevant in one of the following situations :

(a) Previous good character of the accused in criminal cases.

(b) Previous bad character in reply to evidence of good character in criminal cases.

(c) Character as affecting the amount of damages in civil cases.

(d) Character to prove conduct imputed in civil cases.

(ix) A witness who is unable to speak gives his evidence in writing in the open court, evidence so given shall be deemed to be :

- (a) documentary evidence
- (b) primary evidence
- (c) secondary evidence
- (d) oral evidence

(x) In an action for negligence, the plaintiff has to prove which of the following essentials :

- (a) That the defendant owed duty of care to the plaintiff.
- (b) That the defendant made a breach of that duty.
- (c) That the plaintiff suffered damage as a consequence of breach of that duty.
- (d) All of the above.

GROUP – B

Answer any *ten* questions.

Each question carries 5 marks. $5 \times 10 = 50$

2. To exercise the right of private defence even the aggressor can be killed. Discuss with illustration.
3. Explain the difference between 'criminal trespass' and 'house trespass'.

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4. When is a person said to abet an offence?
Explain with the help of illustration.
 5. Discuss the procedure of law regarding security for keeping peace u/s 107 Cr.P.C.
 6. Can aged parents get maintenance from their married daughter? Illustrate your answer with the help of leading cases.
 7. What steps are to be taken by the arresting authority to arrest a woman at night?
 8. What are the remedies available to an aggrieved person against whom a search warrant has been issued?
 9. Discuss the admissibility of confession to police officer.
 10. Discuss the provisions regarding extra-judicial confession under Indian Evidence Act, 1872.
 11. Discuss the different ways in which credit of a witness can be impeached under Indian Evidence Act, 1872.
 12. Discuss the mental element in tortious liability.
 13. Explain 'res ipsa loquitor' to prove negligence.

GROUP – C

Answer any *five* questions.

Each question carries 8 marks. $5 \times 8 = 40$

14. Explain the extent to which the plea of 'grave and sudden provocation' may mitigate the liability of an accused person for the offence of murder.
15. What are the special powers conferred on the High Court under its revisional jurisdiction? Can this power be exercised suo motu?
16. Discuss the provisions of Code of Criminal Procedure, 1973 for granting anticipatory bail.
17. 'A' committed grievous injury to 'B'. Subsequently 'A' was tried and convicted. During his conviction 'B' died due to such injury. Can 'A' be tried for such death of 'B'? Discuss with reference to the specific legal provisions.
18. Discuss the rules regarding the admissibility of 'dying declaration' under the Indian Evidence Act.
19. To what extent 'fair comment' is a good defence to an action for defamation? Explain with illustrations.

